

REMARKS

A Request for Continued Examination accompanies this paper to remove the finality of the pending Office Action and to obtain entry of the above-noted claim amendments.

Claims 1-6 and 8-14 are pending in the application, with Claims 1, 6, 8 and 9 having been amended. Claims 1, 6, 8 and 9 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 102(e)

Claims 1-2, 5 and 8-14 are rejected as being anticipated by U.S. Patent No. 6,317,728 (“Kane”). (In addition, claims 3, 4 and 6 are rejected under § 103(a), relying primarily on the Kane reference.)

Claim 1 is directed to a “method for computerized trading” which includes “a human being entering parameters for a trading algorithm to input a trading order into a logic engine”, “using a first plug-in in said logic engine for implementing the trading algorithm”, “inputting data for said order into said logic engine”, “processing the order with said logic engine, using said plug-in” and “executing said order”. Further, claim 1 now recites “said human being monitoring said order in real time”.

It is noted that claim 1 has been amended to recite said human being monitoring said order in real time. Support for this amendment is found at page 8, lines 12-14 of the specification.

In responding to the remarks made by applicants in the previous Response, the Examiner proposes (at page 6 of the present Office Action) that the human being recited in claim 1 may be satisfied by the person¹ who pre-programmed the buy and sell rules implemented by Kane’s “intelligent agents”. To overcome the rejection, claim 1 has now been amended to exclude this possibility. In claim 1 as amended the same human being who enters parameters for the trading algorithm also monitors the order in real time. Clearly the human being who pre-programs the intelligent agents in Kane’s system does not also monitor orders in real time. Indeed, no one monitors orders in Kane’s system, since the system operates unattended.

¹ Not explicitly mentioned in the reference--presumably the author of the software for Kane’s system.

It is therefore respectfully requested that the rejection of claim 1 be reconsidered and withdrawn.

Claims 2-5 are dependent on claim 1 and are submitted as patentable on the same basis as claim 1. Claims 6, 8 and 9 have been amended in the same manner as claim 1 and are submitted as patentable on the same basis as claim 1, along with dependent claims 10-14.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

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Date



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